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WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

CORRECTION NOTICE: FDO-91 POULTRY

In printing Food Distribution Order No. 91 the following error occurred:

Paragraph (L) Effective Date, "c. w. t." erroneously appeared. This should read "12:01 a. m., e.w.t."

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U.S. DEPARTMENT OF AGRICULTURE

WAR FOOD ADMINISTRATION

[FDO 91]

PART 1414—POULTRY

RESTRICTIONS ON POULTRY IN STORAGE

The fulfillment of the requirements for the defense of the United States will result in a shortage in the supply of poultry for the defense, for private account, and for export, and the following order is deemed necessary and appropriate in the public interest, and to promote the national defense:

§ 1414.3 *Restrictions on poultry*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "poultry" means (i) slaughtered chickens which were approximately 2 to 9 months of age when slaughtered, and each of which weighs two or more pounds if dressed but not drawn, or one and one-half, or more, pounds if both dressed and drawn, or (ii) slaughtered fowl, *i. e.*, slaughtered chickens of the female sex which have been dressed or drawn or both and each of which was of the approximate age of 9 months or more when slaughtered.

(2) The term "dressed", when used with respect to poultry, means poultry which has been killed, bled, plucked, and frozen.

(3) The term "drawn", when used with respect to poultry, means dressed poultry from which the head, shanks, crop, windpipe, esophagus, and entrails have been removed and also includes poultry commonly known as eviscerated poultry.

(4) The term "cold storage" means space equipped to be artificially cooled to a temperature of 10° F., or below, and in which food commodities are customarily stored, but shall not include a refrigerated storage compartment, normally called a locker, having a capacity of not more than 15 cu. ft.

(5) The term "U. S. Army Quartermaster Market Center" means:

(i) With respect to poultry located in Minnesota, Iowa, Wisconsin, Indiana, and Michigan, the

Officer in Charge
Field Headquarters
Perishable Section
Attention: Poultry Section, O.Q.M.C.
222 West Adams Street
Chicago (6), Illinois

(ii) With respect to poultry located in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
10 Post Office Square
Boston (9), Massachusetts

(iii) With respect to poultry located in New York, Pennsylvania, Maryland, Delaware, New Jersey, and District of Columbia, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
Room 825
165 Broadway
New York (6), New York

(iv) With respect to poultry located in Florida, Georgia, North Carolina, South Carolina, and Virginia, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
Universal Building
Laurel and Sumter Streets
Columbia (3), South Carolina

(v) With respect to poultry located in Ohio, West Virginia, Tennessee, and Kentucky, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
432 Federal Building
Louisville (2), Kentucky

(vi) With respect to poultry located in North Dakota, South Dakota, Nebraska, Kansas, and Missouri, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
Kansas City Food Terminal Building
Kansas City (15), Kansas

(vii) With respect to poultry located in Oklahoma, Texas, and New Mexico, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
Produce Terminal Building
1201 Jones Street
Fort Worth (2), Texas

(viii) With respect to poultry located in Louisiana, Arkansas, Mississippi, and Alabama, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
Poland and Dauphine Streets
New Orleans (17), Louisiana

(ix) With respect to poultry located in California, Oregon, Washington, and Nevada, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
248 Battery Street
San Francisco (11), California

(x) With respect to poultry located in Idaho, Montana, Wyoming, Utah, Arizona, and Colorado, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
426 Southwest Temple
Produce Exchange Building
Salt Lake City, Utah

(6) The term "person" means any individual, partnership, association, business corporation, or any organized group of persons, whether incorporated or not.

(7) The term "Director" means the Director of Food Distribution, War Food Administration.

(8) The term "governmental agency" means (i) the Armed Services of the United States (excluding, for the purpose of this order, United States Army Post Exchanges, United States Navy Ships' Service Departments, and United States Marine Corps Post Exchanges); (ii) the War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality designated by the War Food Administrator. The term "governmental agency" also includes any person who, pursuant to a food distribution regulation, is entitled to purchase poultry subject to this order.

(9) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps and the Coast Guard of the United States.

(b) *Restrictions.* (1) Each person owning poultry which is in cold storage on the effective date hereof shall set aside and thereafter hold such poultry for delivery to a governmental agency.

(2) No person owning poultry set aside or required to be set aside hereunder shall, in any manner whatsoever, use such poultry.

(3) No person shall remove from cold storage any poultry set aside or required to be set aside hereunder and no person owning or operating cold storage shall permit the removal of any such poultry from such cold storage except in accordance with the provisions of (b) (5) hereof.

(4) Notwithstanding the provisions of (b) (1), (b) (2), or (b) (3) hereof, poultry

try set aside or required to be set aside hereunder may be sold, used, or removed from storage, subject to the provisions of (b) (5) hereof, if (i) such poultry is offered, in writing, for sale to the U. S. Army Quartermaster Market Center and rejected or released by the U. S. Army Quartermaster Market Center, or (ii) such poultry is offered, in writing, for sale to the U. S. Army Quartermaster Market Center and upon the termination of thirty days from the date such offer is made, the poultry has not been inspected and purchased by the U. S. Army Quartermaster Market Center.

(5) The owner or operator of cold storage may permit the removal of poultry, set aside or required to be set aside hereunder, from cold storage owned or operated by him if he obtains a certificate from the owner of such poultry that (i) such poultry has been sold to a governmental agency; (ii) the poultry has been rejected or released by the U. S. Army Quartermaster Market Center; or (iii) such poultry has been offered, in writing, for sale to the U. S. Army Quartermaster Market Center and more than thirty days have elapsed from the date of such offer and the U. S. Army Quartermaster Market Center has not inspected and purchased such poultry. The owner or operator of such cold storage shall transmit any or all certificates to the Director upon the Director's request. All statements contained in or accompanying any such certificate shall be deemed to be representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(6) Each owner or operator of cold storage shall, upon the request of the U. S. Army Quartermaster Market Center, make all poultry, set aside or required to be set aside hereunder, in such cold storage, available for inspection by the U. S. Army Quartermaster Market Center.

(7) The provisions of this order shall not apply to any person owning less than 3,000 pounds of poultry in cold storage.

(c) *Reports.* Each person owning in excess of 3,000 pounds of poultry which is in cold storage at the effective time of this order shall within 10 days after the effective time of this order report by letter in duplicate, to the U. S. Army Quartermaster Market Center the following

information: (1) the name and address of the person owning such poultry; (2) the trade name, if any, and the address of the warehouse or other building in which such poultry is stored, but if such cold storage is for private use or is not operated under a trade name the name of the owner of such cold storage shall be given; (3) the lot and sub-lot storage numbers under which such poultry is stored; (4) the total number of pounds of such poultry stored in the name of each owner; (5) the number of pounds of such poultry which is dressed, and the number of pounds of such poultry which is dressed and drawn; (6) the type or types of container in which such poultry is packed; (7) the date each lot or sub-lot was placed in such cold storage.

(d) *Records.* Each person owning or operating cold storage shall maintain an accurate record of the name and address of each person owning poultry in such cold storage at the effective time of this order for a period of at least two years from the effective time of this order.

(e) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

(f) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and records by, any person, as may be necessary or appropriate, in his discretion to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in poultry.

(3) The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of poultry of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(h) *Petitions for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may file a petition for relief with the Director. Petitions for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. The Director may take such action, with regard to any such petition as he deems appropriate; and such action by the Director shall be final.

(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using poultry in storage, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director or provided herein, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FDO 91.

(k) *Delegation of authority.* The administration of this order, and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(l) *Effective date.* This order shall become effective 12:01 a. m., c. w. t.; December 30, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 29th day of December 1943.

GROVER B. HILL,
Acting War Food Administrator.

FDO 91, requires the set-aside of all stocks of chickens and fowl in cold storage for offer and delivery to procurement agencies, purchasing for the Armed Services. Although chicken is a part of the army's master menu for Sunday dinners at least twice a month, it has been served much less frequently in all branches of the Armed Services because procurement agencies have been unable to buy more than 15 to 25 percent of the actual requirements from holders of storage stock.

The order, which embraces joint action by the WFA and the QMC, requires the set-aside of all stocks of chickens and fowl in cold storage until procurement agencies obtain enough for current and reserve needs for the period January 1 to June 30, 1944. The order requires that owners of chickens and fowl in cold storage report them to designated Army Quartermaster Market Centers within ten days after the effective date. It requires the set-aside of all dressed

chickens weighing 2 lbs. or more and of all dressed and drawn chickens weighing 1½ lbs. or more which were in cold storage on the effective date. The order applies to dealers, warehouse operators, restaurant and hotel operators, and all other owners of frozen chickens and fowl, except those owning less than 3,000 lbs. in storage and those holding chickens in individual "family" locker spaces.

The order provides that owners of cold storage chickens who offer them to the

Army in writing, may remove their chickens from storage 30 days after the date of the written offer, if the chickens have not been inspected, purchased, or rejected by the Army within that time, and provided the owner presents a written statement setting out those facts to the owner or operator of the warehouse in which the chickens are stored.

Without the set-aside order and at the present rate of procurement, it is believed that the agencies responsible for obtaining poultry supplies for the Armed Forces would fail to fulfill the requirements for the January through June period by at least 70 million pounds. This failure would mean that only an occasional meal of chickens could be served in any branch of the Armed Service.

Since the order does not apply to live poultry, it is not expected to have ma-

terial effect upon supplies available for civilians. There are two reasons for this accomplishment. First, incoming supplies for the next several weeks are expected to be heavier than usual. This is expected as the result of a laying flock culling program which was launched recently by the WFA and five national poultry and feed organizations in an effort to adjust poultry number to feed supply and to provide at the same time the fulfillment of all 1944 egg and poultry goals. Supplies to be made available through the culling program are variously estimated from 40 million to 50 million lbs. Second, the poultry which is offered to, and is not accepted by the Army under the order will be released immediately for civilian use. This together with stocks obtained as the result of the culling should provide the

usual late winter volume of poultry markets.

Present poultry stocks are estimated at approximately 170 million pounds. Included are the 14 million pounds of broilers, 20 million pounds of fryers, 39 million pounds of roasters, 61 million pounds of fowls, 24 million pounds of miscellaneous poultry, and 12 million pounds of unclassified poultry. The peak of poultry production has been reached for 1943, and it is probable that storage holdings (on January 1, 1944) will be approximately the same as on January 1, 1943.

As a means of expediting obtaining reports on storage holdings of chickens and of completing the purpose of the order, the QMC has designated 10 Army Quartermaster Market Centers to which the reports must be sent and where the chickens may be offered for sale.

WAR FOOD ADMINISTRATION
FOOD DISTRIBUTION ADMINISTRATION
Washington 25, D.C.

January 6, 1944

P O U L T R Y

Food Distribution Order No. 91

Questions and Answers

This statement, prepared for general distribution, is intended to supply the answers to many of the questions raised by the public. For additional information, write to the Administrator of Food Distribution Order No. 91, Food Distribution Administration, Washington 25, D. C.

Food Distribution Order No. 91, made effective at 12:01 a.m., e.w.t., December 30, 1943, requires the set-aside of certain freezer stocks of chickens and fowl (hens) for purchase by the Armed Forces, the War Shipping Administration and other governmental agencies as a means of providing sufficient quantities of chicken to meet the requirements of various war services and military hospitals. The order prohibits the removal or use, for an indefinite period, of chickens in cold storage and requires that owners of such chickens report to designated U. S. Army Quartermaster Market Centers within 10 days.

1. Q. - What is the purpose of the Order?

A. - The Army Quartermaster Corps, through this Order, is seeking to procure poultry required for all the Armed Services. For over a year the Quartermaster Corps has been able to purchase less than 20 percent of its requirements. Chicken is a part of the Army's raster menu for Sunday dinner at least twice a month and is vitally necessary for sick and wounded in military hospitals.

2. Q. - What types of poultry are affected by the Order?

A. - The order applies to stocks of chickens and fowl (hens) of the following types in cold storage on the effective date. All dressed chickens two months old or more when slaughtered, and weighing two pounds or more; all dressed and drawn chickens weighing one and one-half pounds or more; and fowl (hens) of all weights, which were 9 months old or older when slaughtered. The order does not apply to roosters more than 9 months old, to turkeys, ducks, geese, guineas, or other poultry. It does not apply to any poultry marketed or placed in storage after the effective date.

3. Q. - Who is affected by the Order?

A. - The Order affects dealers, restaurant and hotel operators, processors, wholesalers, retailers and all other owners of frozen chickens or hens, except those who own less than 3,000 pounds in storage, and those owners of chickens held in individual

"Family locker" spaces. Owners or operators of cold storage are also affected to the extent that they may not permit removal of restricted poultry.

4. Q. - Are chickens and fowl held in individual refrigerators affected by the Order?

A. - Yes, if such refrigerators are equipped to be cooled to 10° F. or below and if the owner possesses a total in excess of 3,000 pounds.

5. Q. - Under what conditions will restricted poultry be released?

A. - The restricted poultry may be removed from storage and the warehouse owner may permit such removal only after the owner of the poultry presents a certificate to the warehouse owner, to the effect that: (1) The chickens have been sold to a governmental agency or (2) rejected by the Army Quartermaster Corps or (3) that the chickens have been offered in writing to the Q.M.C. and more than 30 days have elapsed from the date of the written offer, and the Q.M.C. has not inspected and purchased the chickens.

6. Q. - How long will the Order remain in effect?

A. - Until approximately 70 million pounds can be obtained for the requirements of the Armed Services. The duration of the Order will depend to a large extent upon the promptness with which reports of poultry holdings in cold storage are made to the Army Quartermaster Market Centers. Prompt reporting will help to expedite inspection and purchase of the chickens by the Army and the release of those which are not accepted.

7. Q. - Who must report holdings of chickens in cold storage?

A. - All owners of frozen chickens or hens affected by the Order are required to report their holdings to designated U.S. Army Quartermaster Market Centers within 10 days after the effective date of the Order.

8. Q. - Where must reports be sent?

A. - Poultry in storage in Minnesota, Iowa, Wisconsin, Illinois, Indiana and Michigan must be reported to:

Officer in Charge - Field Headquarters, Perishable Section
Attention: Poultry - O.Q.M.G.
222 West Adams Street
Chicago (6), Illinois

Poultry in storage in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, and Connecticut must be reported to:

Officer in Charge - Quartermaster Market Center
Attention: Poultry Section
10 Post Office Square
Boston, Massachusetts

Poultry in storage in New York, Pennsylvania, Maryland, Delaware, New Jersey and the District of Columbia must be reported to:

Officer in Charge - Quartermaster Market Center
Attention: Poultry Section
165 Broadway - Room 825
New York (6) New York

Poultry in storage in Florida, Georgia, North Carolina, South Carolina, and Virginia must be reported to:

Officer in Charge - Quartermaster Market Center
Attention: Poultry Section
Universal Building
Laurel and Sumter Streets
Columbia (3), South Carolina

Poultry in storage in Ohio, West Virginia, Tennessee and Kentucky must be reported to:

Officer in Charge - Quartermaster Market Center
Attention: Poultry Section
432 Federal Building
Louisville (2), Kentucky

Poultry in storage in North Dakota, South Dakota, Nebraska, Kansas and Missouri must be reported to:

Officer in Charge - Quartermaster Market Center
Attention: Poultry Section
Kansas City Food Terminal Building
Kansas City (15), Kansas

Poultry in storage in Oklahoma, Texas, and New Mexico, must be reported to:

Officer in Charge - Quartermaster Market Center
Attention: Poultry Section
Produce Terminal Building
1201 Jones Street
Fort Worth (2), Texas

Poultry in storage in Louisiana, Arkansas, Mississippi and Alabama must be reported to:

Officer in Charge - Quartermaster Market Center
Attention: Poultry Section
Poland and Daphne Streets
New Orleans, Louisiana

Poultry in storage in California, Oregon, Washington and Nevada must be reported to:

Officer in Charge - Quartermaster Market Center
Attention: Poultry Section
248 Battery Street
San Francisco, California

Poultry in storage in Idaho, Montana, Wyoming, Utah, Arizona and Colorado must reported to:

Officer in Charge - Quartermaster Market Center
Attention: Poultry Section
426 Southwest Temple
Produce Exchange Building
Salt Lake City, Utah

9. Q. - How does the Order affect supplies of chickens for civilians?
- A. - Supplies of chickens will still be available to civilians for the following reasons: (1) Chickens moving into storage and into the fresh market after the effective date of the Order are not included; (2) a nation-wide culling program to bring laying hens to the numbers existing on farms on January 1, 1943 is under way and is expected to supply some 40 to 50 million pounds of poultry meat; and (3) it is possible that another source of civilian supply will result from the heavy culling of poultry flocks in some feed deficit areas.
10. Q. - What prices does the Q.M.C. propose to pay for chickens purchased under the Order?
- A. - Special ceiling prices which the Government or its agencies will pay for storage chickens purchased and requisitioned from producers, processors, hotel supply houses, restaurants, railroad dining cars, night clubs and retailers have been established by the Office of Price Administration. These ceilings, announced simultaneously with FDO 91, provide for: (1) Cost of acquisition, including cost of transportation to place of purchase by the Government, not to exceed the seller's maximum buying price, at the point of purchase by the Government; (2) expense of public warehousing; and (3) the wholesale mark-up provided by the poultry regulation which is either (a) $1\frac{1}{2}\text{¢}$ per pound on sales in quantities less than 10,000 or (b) 1¢ per pound on sales in quantities of 10,000 pounds or more. (See Office of Price Administration's MFR 269 and amendments.) For sales by hotel supply houses to the Government, the maximum price is the sum of items (1) and (3) above.
11. Q. - Will Contract Schools and other governmental agencies be permitted to purchase supplies of restricted chickens necessary for their purposes?
- A. - Yes. The term "governmental agency" includes any person who, pursuant to a food distribution regulation, is entitled to purchase poultry subject to this Order. This does not give such agencies the right to release from the provisions of the Order the poultry which they do not purchase from an owner. Only the Director of the Food Distribution Administration and the Army Quartermaster Corps are authorized to release restricted poultry for civilian use.

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WAR FOOD ADMINISTRATION

[FDO 91, Termination]

PART 1414—POULTRY

RESTRICTIONS ON POULTRY IN STORAGE

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and Executive Order No. 9392, dated October 28, 1943, it is hereby ordered, as follows:

That Food Distribution Order No. 91, issued by the War Food Administrator on December 29, 1943 (8 F.R. 17502), placing restrictions on poultry in storage, be, and the same is, hereby terminated at 12:01 a. m., e. w. t. April 3, 1944.

With respect to violations of said Food Distribution Order No. 91, rights accrued, liabilities incurred, or appeals taken under said order, prior to the effective time of the termination thereof, said Food Distribution Order No. 91 shall be

deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 1st day of April 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

**War Food Administration
Summary to FDO 91**

Termination of the poultry freeze order (FDO 91) under which the United States Army Quartermaster Corp has obtained about 88 million pounds of chicken and fowl for American armed forces and war services was announced today by the War Food Administration.

The freeze order was made effective December 30, 1943. It applied to dealers, restaurant and hotel operators, producers, processors, wholesalers, retailers and all other owners of frozen chickens in storage, except owners of less than 3 thousand pounds, and owners of chickens held in individual "family" locker spaces. Termination is effective April 3, 1944.

Results of the order, WFA officials said, indicate excellent cooperation on the part of the industry at large in carrying out provisions of the order so that requirements for the armed forces could be met. Procurement of chickens and fowl, he explained, was permitted to continue beyond the original requirement of 70 million pounds to build up supplies in keeping with the increased strength of the armed services. The supply obtained includes approximately 10 million pounds for the War Shipping Administration. A large portion of the chickens and fowl offered to the QMC by holders under the order was released for civilian use in those instances where it did not meet army specifications. The freeze order did not affect current marketing of poultry or that which has

moved into storage after the effective date. Since current storage holdings of all poultry are greater by 79 million pounds than average holdings for this season for the past 10 years, the supply available to civilians will be about the same as for this season a year ago.

Termination, officials said, does not relieve from responsibility under the order, those holders of poultry who have failed to report their holdings to the QMC.

Officials also pointed out that a priority directive has been issued to persons who have not completed the sale of poultry offered to the Army under FDO 91. This directive prohibits the disposition (use or sale) of this set-aside poultry except to the office of the Quartermaster General.

